

AUG 22 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 11-90031

ORDER

KOZINSKI, Chief Judge:

A pro se prisoner alleges that a district judge made various errors in his habeas case. This allegation relates directly to the merits of the judge’s rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges the judge conspired to reassign his case to a magistrate judge who could be “bulldogged” into issuing a recommendation that his petition be denied. This charge must be dismissed because complainant has presented no evidence to support it. See 28 U.S.C. § 352(b)(1)(A)(iii), (b)(1)(B); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge is “a seriously mentally disturbed plutocrat who is suffering from the advanced stages of megalomania.” To support this allegation, complainant points to the judge’s adverse rulings in his case, which

do not prove a mental disability. He also refers to comments the judge allegedly made during a particular television broadcast. Upon review, there's no evidence that the judge made the alleged comments, and complainant provided no evidence to support his claim. This charge must be dismissed as well. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009); 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

The CD submitted by complainant, which is filled with “exhibits” from his state court case, was not considered because complainant’s statement of facts doesn’t point to anything specific in the documents that supports his allegations of misconduct. See In re Complaint of Judicial Misconduct, 630 F.3d 968, 969–70 (9th Cir. Jud. Council 2010).

DISMISSED.